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July 29, 2020

VIA PRIORITY MAIL AND EMAIL: (support@rppl.com)

Ripple, LLC
Attn: Andrew Wilder, CEO
2056 South 1100 East
Salt Lake City, UT 84106

Re: Notice of Infringement of Intellectual Property Rights of Neurotronics, Inc.

Dear Mr. Wilder,

Our Firm represents Neurotronics, Inc. ("Neurotronics"), a Florida Corporation in connection with their global intellectual property matters.

It has come to our attention Ripple, LLC d/b/a Ripple Neuromed ("Ripple Neuro") is currently infringing Neurotronics federally registered and incontestable trademark "NOMAD" (Reg. No. 3897303), filed on May 13, 2010 with a date of first use of June 7, 2008, in connection with a "medical device used for the acquisition of physiological data for polysomnography." *See Exhibit A.*

Neurotronics is the owner, designer, and manufacturer of the popular portable sleep recorder Nomad which is widely recognized as an industry leader in the sleep diagnostics market due to its superior quality and innovation. Neurotronics has expended considerable sums of money on the research and development, advertising, marketing and distribution of its products since its inception in 1971. As a result of our client's longstanding use of the NOMAD trademark and its popular product offerings, which have become widely known throughout the United States and internationally, the mark has created a commercial impression to consumers who associate them with the quality and reliability of the brand Neurotronics has established. Consequently, your use of the "NOMAD" mark infringes upon Neurotronics common law and federal trademark rights.

Ripple Neuro currently advertises, markets, distributes and sells its "multi-modal electrophysiology" product "Nomad" on its websites, including <https://rippleneuromed.com/ripple-products/nomad/> (the "Infringing Mark") *See Exhibit B.* The Infringing Mark is likely to cause confusion, to cause mistake, or to deceive consumers as to an affiliation, connection, or association with Neurotronics's NOMAD trademark in violation of the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a).

In the present case, when analyzing the similarity of the marks as viewed in their entirety, the Infringing Mark have an identical appearance and commercial impression to Neurotronics'. The Infringing Mark is unauthorized identical reproductions of the Neurotronics trademark in its

entirety, being used with substantially similar goods which perform the same features and functionality as those claimed in the Neurotronics trademarks. As such, the goods are of the kind and nature that would be utilized by the same type of consumer, to collect the same type of physiological data, and potentially for the same intended purpose. Therefore, these goods would be indistinguishable to consumers from genuine Neurotronics products, which reasonably could encompass identical goods under its current registration. Further, your use of the marks on product listings and reproduced on the products themselves is likely to cause confusion among consumers and end users alike with the comparable Neurotronics products. Last, the goods sold by Ripple Neuro under the Infringing Mark are being marketed, distributed, advertised, and sold through identical channels of trade, marketing and targeting the same consumers as Neurotronics.

Consequently, your use of the Infringing Mark is likely to cause confusion, to cause mistake, or to deceive consumers as to their affiliation, connection, or association with Neurotronics, in violation of 15 U.S.C. § 1125(a) and 15 U.S.C. § 1114(1), which allows for civil remedies including immediate and permanent injunctive relief, recovery of profits, up to three times the amount of any monetary damages suffered by Neurotronics, as well as an award of attorney's fees. Federal law permits recovery of statutory damages for trademark infringement of up to \$200,000 per instance, and up to \$2,000,000 per instances when the infringement is determined to be willful. Considering the nature in which the Neurotronics mark has been reproduced on the infringing goods and corresponding listings, and Neurotronics' prominence within the market, it appears likely present infringement is willful.

Neurotronics takes its intellectual property matters seriously and is prepared to enforce its full intellectual property rights; however, under the present circumstances and in the interest of goodwill, Neurotronics is prepared to resolve this matter amicably provided you cooperate with the following demands:

- 1. Immediately cease and desist from all further use of all Neurotronics' trademark and any other works derived from or substantially related to the Neurotronics trademark, including trademarked, works;**
- 2. Immediately cease and desist from all further sales of goods using Neurotronics' trademark, including those using the Infringing Marks, and immediately remove all product listings, advertisement, and marketing for the infringing goods from all websites and e-commerce platforms;**
- 3. Issue a detailed accounting of all past and present product sales, profits, and revenues derived from your sale or use of goods using Neurotronics' trademark, including all online, in-person, wholesale, direct to consumer, and other such sales;**
- 4. Deliver to Neurotronics any material in your possession or control bearing unauthorized reproductions of the Neurotronics trademark or any designation likely to cause confusion therewith;**
- 5. Provide a one-time payment of \$30,000 for past damages; and**

6. Offer written assurances by no later than August 12, 2020, that you have complied with (1) through (5) above and will permanently refrain from all such use and future use.

We look forward to receiving a compliant response by August 12, 2020, concerning this matter. If you have any questions or if you would like to discuss this matter, please do not hesitate to contact me directly at (954) 951-0154.

Sincerely,

Andrew S. Rapacke

Andrew S. Rapacke, Esq.

CC: Neurotronics, Inc.
ASR/bb

EXHIBIT A

Generated on: This page was generated by TSDR on 2020-07-29 14:41:16 EDT

Mark: NOMAD

NOMAD

US Serial Number: 85037307

Application Filing Date: May 13, 2010

US Registration Number: 3897303

Registration Date: Dec. 28, 2010

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Jun. 17, 2020

Publication Date: Oct. 12, 2010

Mark Information

Mark Literal Elements: NOMAD

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Medical device used for the acquisition of physiological data for polysomnography

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 07, 2008

Use in Commerce: Jun. 07, 2008

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Neurotronics, Inc.**Owner Address:** 4500 NW 27th Ave Suite C2
Gainesville, FLORIDA UNITED STATES 32606**Legal Entity Type:** CORPORATION**State or Country** FLORIDA
Where Organized:

Attorney/Correspondence Information

Attorney of Record - None**Correspondent****Correspondent Name/Address:** Neurotronics, Inc.
4500 NW 27th Ave Suite C2
GAINESVILLE, FLORIDA UNITED STATES 32606**Phone:** 352-372-9955**Fax:** 815-550-2871**Domestic Representative - Not Found**

Prosecution History

Date	Description	Proceeding Number
Jun. 17, 2020	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 17, 2020	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	77074
Jun. 17, 2020	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	77074
Jun. 17, 2020	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77074
Mar. 31, 2020	TEAS SECTION 8 & 9 RECEIVED	
Dec. 28, 2019	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Aug. 07, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 06, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76533
Aug. 06, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
May 25, 2016	TEAS SECTION 8 & 15 RECEIVED	
May 25, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 28, 2015	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Dec. 28, 2010	REGISTERED-PRINCIPAL REGISTER	
Oct. 12, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 12, 2010	PUBLISHED FOR OPPOSITION	
Sep. 08, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70884
Sep. 08, 2010	ASSIGNED TO LIE	70884
Aug. 25, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 25, 2010	ASSIGNED TO EXAMINER	81093
May 20, 2010	NOTICE OF PSEUDO MARK MAILED	
May 19, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 17, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None**File Location****Current Location:** GENERIC WEB UPDATE**Date in Location:** Jun. 17, 2020

EXHIBIT B

The Explorer Nomad

MULTI-MODAL POWERFUL ELECTROPHYSIOLOGY IN A LIGHTWEIGHT AND PORTABLE PACKAGE

Ripple Neuromed's Nomad processor provides up to 512 channels of simultaneous recording and stimulation that can fit in the palm of your hand.

A truly modular system, the Nomad can record multi-modal electrophysiological signals of uncompromising quality with specialized Front Ends. On-board processing and advanced APIs provides the flexibility for any application. Easily setup in minutes, the Nomad can quickly transition between the laboratory and the operating room.

With game-changing versatility, the Nomad processor can be used in the lab and the operating room as a stand-alone system or to complement existing clinical systems in the epilepsy monitoring unit. Compatible with both high impedance microelectrodes and standard clinical electrodes, you can record a full range of physiological data with one processor.

With wireless data transmission, integrated battery, and internal data storage, the Nomad processor is a portable platform for advanced neurophysiology, neuromodulation, neuroprosthesis development, and brain machine interface experiments.



[DOWNLOAD BROCHURE](#)

HIGHLIGHTS

- Up to 512 channels of simultaneous stimulation and recording
- Specialized Front Ends to optimize electrophysiological recordings
- Onboard processing for dynamic experiments and closed-loop stimulation
- Advanced API for custom applications

- Small and portable for mobile applications
- Meets safety standards for laboratory and clinical research

+ Physical Specifications
+ Recording Specifications
+ Stimulating Specifications

Up to 512 channels

OF RECORDING PER DEVICE (1024 TOTAL)

Record and Stimulate

SIMULTANEOUSLY ON ALL CHANNELS

30 kHz sampling rate

FOR SINGLE-UNIT RECORDINGS

PORTABLE – 700 GRAMS. EASILY TRANSPORT BETWEEN HOSPITALS OR LABORATORIES.

VERSATILE – DEDICATED FRONT ENDS. SIMULTANEOUS STIMULATION AND RECORDING FOR ANY EXPERIMENT.

WEARABLE – WIRELESS COMMUNICATIONS. INTEGRATED BATTERY. ON-BOARD STORAGE. PACK IT UP AND GO.

SEAMLESS SETUP – SET UP AND BEGIN RECORDING IN MINUTES.

REAL-TIME, CLOSED-LOOP CONTROL – PROGRAMMATIC CONTROL. REAL-TIME FEEDBACK. MATLAB & PYTHON APIS

PORTABILITY

At merely 700 grams, the Nomad provides a light weight and portable form factor that can easily be transported between hospitals or laboratories





SAFETY

Already used around the world and reported in high-impact, peer-reviewed journals, the Nomad is designed to meet ISO 60601 safety standards for laboratory and clinical research

COMPLETE YOUR SYSTEM



Micro2 Front Ends



Macro Front Ends



Analog and Digital I/O Modules

